

GAHC010206172024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MC/71/2024

BABUL MAZUMDAR AND ANR
S/O- MAKHAN MAZUMDAR, R/O- R K MISSION PARA, TINSUKIA, P.O AND
P.S- TINSUKIA, DIST- TINSUKIA, ASSAM

2: ABHIJIT LAHA
S/O- SRI SADHAN LAHA
R/O- HIJUGURI
RABINDRA NAGAR
P.O AND P.S- TINSUKIA
DIST- TINSUKI

VERSUS

THE UNION OF INDIA AND 4 ORS.
REP. BY THE SECRETARY TO THE GOVT OF INDIA, MIN OF RAILWAY, RAIL
BHAWAN, NEW DELHI- 110001

2:UPENDRA SAH
S/O- LATE ASHRAFI SHAH
R/O- CHAPARI
MAHADEV ROAD
P.O AND P.S- TINSUKIA
DIST- TINSUKIA

3:THE CHIEF COMMERCIAL MANAGER
N F RAILWAY
MALIGAON
GUWAHATI- 781011

4:THE DIVISIONAL RAILWAY MANAGER
N F RAILWAY
TINSUKIA DIVISION
TINSUKIA
DIST- TINSUKIA

PIN- 786125

5:THE DIVISIONAL COMMERCIAL MANAGER
N F RAILWAY
TINSUKIA DIVISION
TINSUKIA
DIST- TINSUKIA
PIN- 786125

6:THE ASSISTANT COMMERCIAL MANAGER
N F RAILWAY
TINSUKIA DIVISION
TINSUKIA
DIST- TINSUKIA
PIN- 78612

Advocate for the Petitioner : MR T H HAZARIKA, MR M CHETIA,MR A RASHID,MR. K ISLAM,MR. D ROY,MR. S BANIK

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 27.09.2024

Heard Mr. S Banik learned counsel for the applicant. Also heard Mr. B Chakravarty learned counsel for the Railways.

The present application is filed for restoration of the connected writ petition being WP(C) No.2698/2018 which was dismissed for non prosecution by order dated 19.08.2024.

The explanation for non appearance of the counsel on the said date is given at paragraph 14 of the present application.

Considering the same this court is of the view that the petitioner has been able to make out a case for restoration of the

connected writ petition, inasmuch as it is a settled proposition of law that for the bonafide and inadvertent mistake on the part of the counsel, a litigant should not be allowed to suffer.

Accordingly, the I.A stands allowed by recalling the order dated 19.08.2024.

Registry is directed to restore the connected writ petition to its original file and list accordingly on 04.10.2024.

JUDGE

Comparing Assistant